10

STANDING COMMITTEE ON LABOUR AND WELFARE (1998-99)

TWELFTH LOK SABHA

MINISTRY OF LABOUR

DEMANDS FOR GRANTS (1999-2000)

TENTH REPORT

329

LOK SABHA SECRETARIAT
NEW DELHI

April, 1999/Chaitra, 1921 (Saka)

.36578
S.10.9

TENTH REPORT

STANDING COMMITTEE ON LABOUR AND WELFARE (1998-99)

(TWELFTH LOK SABHA)

MINISTRY OF LABOUR

DEMANDS FOR GRANTS (1999-2000)

22 APR 1999

Presented to Lok Sabha on.....
Laid in Rajya Sabha on....19.4.99..

LOK SABHA SECRETARIAT
NEW DELHI

April, 1999/Chaitra, 1921 (Saka)

C.L.W. No. 42

Price : Rs. 24.00

PARLIAMENT LIBRARY
Cent... ...ications
Acc... 101.36...
Date... 4-5-99...
(4)

LC
328.365
N 8.10

© 1999 By Lok Sabha Secretariat

Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Ninth Edition) and Printed by Jainco Art India, 13/10, W.E.A., Saraswati Marg, Karol Bagh, New Delhi-110 005.

CONTENTS

PAGE

COMPOSITION OF THE COMMITTEE ..... (iii)

INTRODUCTION ..... (v)

CHAPTER I INTRODUCTORY 1

CHAPTER II REPORT—DEMANDS FOR GRANTS – 1999–2000. 7

(A) World Bank Assisted Vocational Training Project 7

(B) Welfare of Emigrant Labour 13

(C) National Child Labour Policy 18

(D) Beedi Workers Welfare 23

(E) Re-organisation and strengthening of DGFASLI Organisation and Establishment of Special Cells 29

(F) Minimum Wages 33

ANNEXURE I. Minutes of the Seventeenth Sitting of the Committee held on 8.4.1999. 39

ANNEXURE II. Summary of Recommendations/Conclusions. 42

COMPOSITION OF THE STANDING COMMITTEE ON LABOUR AND WELFARE (1998-99)

Shri Harin Pathak — *Chairman*

MEMBERS

Lok Sabha

2. Shri Surender Singh Barwala
3. Smt. Sandhya Bauri
4. Shri Ajmeera Chandulal
5. Shri Manibhai Ramjibhai Chaudhuri
6. Shri Jaysinhji Manshingji Chauhan
7. Shri Chinta Mohan
8. Shri S. Gangadhar
9. Shri Manikrao Hodlya Gavit
10. Shri Thawarchand Gehlot
11. Smt. Kamal Rani
12. Shri K. Parymohan
13. Shri Mahendrajeet Singh Malviya
14. Shri Ayanur Manjunath
15. Shri Bheru Lal Meena
16. Shri Ajoy Mukhopadhyay
17. Shri Aman Kumar Nagra
18. Shri Shankar Sakharam Nam
19. Shri Upendra Nath Nayak
20. Shri N.K. Premachandran
21. Smt. Omwati Devi
22. Shri Ashok Kumar Pradhan
23. Shri Khagapati Pradhani
24. Dr. Ram Lakhan Singh

25. Shri Ram Shakal
26. Shri A. Siddaraju
27. Shri M. Thiyagarajan
28. Shri Virendra Kumar
29. Shri Sita Ram Yadav
30. Shri Mansukhbhai Vasava

Rajya Sabha

31. Shri Govindrao Adik
32. Shri Sanatan Bisi
33. Shri Vijay J. Darda
34. Kumari Nirmala Deshpande
35. Shri Munavvar Hasan
36. Shri Hiphei
37. Shri M.A. Kadar
38. Shri Mohd. Azam Khan
39. Shri Bangaru Laxman
40. Shri Abdul Gaiyur Qureshi
41. Shri Jibon Roy
42. Shri Chimanbhai Haribhai Shukla
43. Shri P. Soundararajan
44. Miss Frida Topno
45. Shri Janardan Yadav

SECRETARIAT

1. Shri Joginder Singh — *Joint Secretary*
2. Shri J. P. Sharma — *Deputy Secretary*
3. Shri R. S. Misra — *Under Secretary*
4. Shri S. K. Saxena — *Committee Officer*

INTRODUCTION

I, the Chairman of the Standing Committee on Labour and Welfare (1998-99) having been authorised by the Committee to submit the Report on their behalf present this Tenth Report, on the Demands for Grants, 1999-2000 on Ministry of Labour.

2. The Committee considered the Demands for Grants pertaining to the Ministry of Labour for the current year *i.e.* 1999-2000 which were laid on the Table of the House on 18 March, 1999. Thereafter, the Committee took evidence of the representatives of the Ministry of Labour on 23.3.1999.

3. The Committee wish to express their thanks to the officers of the Ministry of Labour for placing before them the detailed written notes on the subject and for furnishing the information the Committee desired in connection with the examination of the Demands for Grants.

4. The Report was considered and adopted by the Committee at their sitting held on 8 April, 1999.

NEW DELHI;
8 *April*, 1999
18 *Chaitra*, 1921 *(Saka)*

HARIN PATHAK,
Chairman,
Standing Committee on Labour and Welfare.

CHAPTER I

INTRODUCTORY

1.1 The Committee have been informed that the Shram Mantralaya (Ministry of Labour) is responsible for laying down policy in respect of labour matters including industrial relations, cooperation between labour and management, settlement of labour disputes, regulation of wages and other conditions of work and safety, women labour and child labour, labour welfare, social security etc. besides development and administration of employment service and training of craftsmen on national basis.

1.2 The implementation of the policies in regard to the above matters is also the responsibility of the State Governments concurrently with the Central Government.

1.3 To achieve the objectives, funds are required by the Ministry for their following functional divisions:—

1. Welfare of SC/ST and other Backward Classes.
2. Labour Employment and Training.
3. Grants-in-aid to State Governments.
4. Grants-in-aid to Union Territory Governments.
5. Aid Material and equipment.
6. Capital outlay on other social services.
7. Loans for other social services.

1.4 The Demands for Grants asked by the Ministry are given under the Demand No. 57.

1.5 It has been stated in the Performance Budget that the Planning Commission made an allocation of Rs. 198.00 crore during the year 1998-99 of which Rs. 21.36 crore were transferred to Ministry of Urban Affairs and Employment.

1.6 Budget Estimates of the Ministry for the year 1999-2000 are placed at Rs. 866.56 crore (Plan 110.15 crore and Non-Plan Rs. 756.41

crore). The Planning Commission made an allocation of Rs. 130.00 crore towards plan budget for the year 1999-2000 out of which Rs. 19.85 crore have been transferred to Ministry of Urban Affairs and Employment for incorporation in the Budget document of that Ministry for Capital Works to be executed during 1999-2000.

1.7 The Ministry has furnished the following statement showing Budget Estimates/Revised Estimates and expenditure for the year 1998-99 alongwith percentage of expenditure *vis-a-vis* the Budget Estimates:—

Plan Scheme

(Rs. in Crore)

S.No.	Activity	B.E. 98-99	R.E. 98-99	Expend. Upto Feb., 1999 (Provisional)	% Expenditure over B.E.
1.	Research and Statistics	6.20	6.80	4.66	75.16
2.	Industrial Relations	4.13	2.72	1.77	42.85
3.	Working Conditions and Safety	5.90	4.36	2.44	41.36
4.	Labour Education	3.31	3.63	2.60	78.55
5.	Rehabilitation of Bonded Labour	10.00	3.00	0.00	0.00
6.	Improvement of working conditions of Child/Women Labour	50.20	20.20	18.14	36.13
7.	Other items	1.20	1.20	0.09	7.50
8.	Employment	3.50	2.91	0.40	11.43
9.	Training	92.95	68.72	41.64	44.80
10.	Welfare of SC/ST and Other Backward Classes	0.50	0.50	0.31	62.00
	Total	177.89	114.04	72.05	40.50

Statement showing Budget Estimates/Revised Estimates for the year 1998-99

(Rs. in Crore)

S.No.	Activity	B.E. 98-99	R.E. 98-99	Expend. Upto Feb., 1999 (Provisional)	% Expenditure over B.E.
1.	Sectt. Social Services	9.00	9.83	8.68	96.44
2.	Research and Statistics	3.55	3.77	3.12	87.88
3.	Industrial Relations	12.10	13.82	12.24	101.15
4.	Working Conditions & Safety	18.20	19.33	17.36	95.38
5.	Labour Welfare Schemes	53.49	50.00	32.47	60.70
6.	Transfer to Reserve Fund	62.00	68.30	53.10	85.64
7.	Social Security	446.88	446.88	446.87	100.00
8.	Labour Education	11.40	15.78	12.54	110.00
9.	International Cooperation	3.00	4.95	3.60	120.00
10.	Other items	1.72	1.63	1.01	58.72
11.	Employment	11.25	11.77	10.68	94.93
12.	Training	19.00	20.45	16.81	88.47
13.	Welfare of SC/ST and Other Backward Classes	1.40	1.65	1.20	85.71
	Total	652.99	668.16	619.68	94.90

1.8 It may be seen from the statement furnished by the Ministry that the major funds allocated during 1998-99 under the Plan Scheme on Working Conditions and Safety, Rehabilitation of Bonded Labour, improvement in working conditions of child/women labour, employment and training have not been fully utilised.

1.9 Giving reasons for less utilisation of funds, the representative of the Ministry of Labour stated during evidence—

> "The major part of this amount is for reimbursement of expenditure already made. There are two major schemes, namely, vocational training and child labour. For vocational training, bulk of the money is meant for Centrally-sponsored scheme. States have been spending regularly throughout year but the Bills for reimbursement come only now. There is a fairly substantial amount of money that will be given to the State. We have taken a lot of steps to streamline the expenditure and I think, we should be able to spend a fairly large amount."

1.10 When asked to state the reasons for slashing down of expenditure on many schemes at revised estimates stage, the representative of the Ministry explained—

> "The RE is fixed after the review of the expenditure figure upto October. If the expenditure is low, then the Ministry of Finance is constrained to reduce the allocation. In this case, once it has been reduced, it will continue."

1.11 Subsequently, the Ministry in its written reply furnished to the Committee has stated that the Ministry would further improve its performance *vis-a-vis* Budget Estimates in the next year (1999-2000) through a tighter monitoring schedule.

1.12 The Committee note with concern that the expenditure of the Ministry of Labour under various Plan Schemes has been less particularly upto October, 1998 due to which the Ministry of Finance was constrained to lower down the allocation at Revised Estimates stage. The reasons put forth by the Ministry that the bills for reimbursement of amount from State Governments were not received in time and as such Revised Estimates was fixed by the Ministry of Finance after reviewing the expenditure upto the month of October, are not satisfactory. The Committee, therefore, strongly recommend that the expenditure of the Ministry should be streamlined right from the beginning of the Financial Year so that the funds allocated in Budget Estimates are not lowered down at Revised Estimates stage by the Ministry of Finance. For this, vigorous consultations with the State Governments should be made at the highest level and a strong monitoring over the Schemes at regular intervals should be done by

the Ministry so that the bills for reimbursement from State Governments are received by them in time.

1.13 The Committee note with concern that the idea of setting up of Second National Commission on Labour had been mooted last year but so far the Ministry has neither been able to establish the Commission nor any funds have been earmarked for this purpose in the B.E. for the year 1999-2000. The Ministry's reply in this regard that the matter for sanctioning of expenditure for a duration of 24 months as well as opening of a new head of account for meeting expenditure of the Commission has been taken up with the Ministry of Finance, Department of Expenditure is not satisfactory. In the opinion of the Committee, the Ministry has not shown their promptness on the issue. The Committee, therefore, strongly urge the Ministry to accord priority for early setting up of the Second National Commission on Labour. Also efforts should be made by the Ministry for getting early clearance of their proposal from the Ministry of Finance.

1.14 The Committee note that though Working Group on Industrial Relations while formulating the 8th Five Year Plan had recommended for setting up of 6 more CGIT-cum-Labour Courts, yet the Ministry has been able to set up only one court at Jaipur so far. The Ministry has now informed the Committee that the sanction for setting up of two new CGITs at Lucknow and Nagpur was issued on 15.9.98 but the selection of Presiding Officers is under process and also a proposal to open 3 new CGITs at Hyderabad, Chennai and Bhubaneswar has been sent to the Ministry of Finance. The Committee view this situation very seriously keeping in view the piling up of pending cases year after year in various courts. In their opinion, the matter should have been taken at the highest level and efforts should have been made for setting up of 5 CGITs much earlier. The Committee, therefore, urge the Ministry to complete the process for selection of Presiding Officers for the two new CGITs at Lucknow and Nagpur for which sanction was issued on 15.9.98 and to take immediate steps for setting up of the remaining three new CGITs at Hyderabad, Chennai and Bhubaneswar without any further delay. As regards making terms and conditions of appointments of Presiding Officers in Labour Courts more attractive, the Ministry should take up the issue with the Ministry of Finance for early clearance.

1.15 The Committee note that though the Contract Workers (Regulation and Abolition) Act disapproves employment of contract workers in permanent and perennial nature of jobs, yet the employers generally disregard the Act as it casts a heavy financial burden on them particularly in the context of competitive environment. It has also led to a plethora of cases in various courts by the workers seeking directions for abolition of contract labour. The Ministry of Labour during evidence has admitted that there are a large number of cases where the contract labourers are not being dealt with properly. The Committee view this situation very seriously. In their view, the matter should have been discussed at Tripartite level in the interest of contract workers. The Committee, therefore, strongly recommend that the issue relating to welfare of contract labourers should be discussed at the forthcoming Indian Labour Conference for finding an amicable solution to the grievances of the contract labourers. Also the Ministry should devise ways and means for having an authentic data of contract labourers. For this the job may be entrusted to Labour Bureau, Shimla without further loss of time. The Committee are of the view that the working of Central Industrial Relations Machinery should be further strengthened so that the Contract Labour (Regulation and Abolition) Act is enforced effectively. Steps taken and progress achieved may be communicated to the Committee within six months' time.

CHAPTER II

REPORT

DEMANDS FOR GRANTS—(1999-2000)

Major Head: 2230
Sub-Head : 05

A. WORLD BANK ASSISTED VOCATIONAL TRAINING PROJECT

2.1 The Vocational Training Project formulated with the World Bank assistance was further extended upto 31 December, 1998 in respect of four selected components *viz.* supply of modern equipments, technical assistance and equipment for Hi-Tech training component, Management Information System and operational funding for National Vocational Training System project management.

2.2 The Ministry has informed the Committee that two of the four selected components namely supply of modern equipment to ITIs and project management units have been completed. The remaining two components namely Hi-tech and Management Information System (MIS) are partly completed and will be continued through GOI Plan funds.

2.3 On being asked the present position of these two components, the Ministry has stated that in the case of the Hi-Tech Scheme civil and electrical works in 9 of the 10 ITIs and all ATIs covered under the scheme have been completed. The supply of equipment ordered for ATIs is underway. Some staff of ITIs and ATIs have been trained. The case for creation of re-assessed posts under the scheme has been taken up with Ministry of Finance. Apex Hi-Tech Institute, Bangalore has already started conducting some training programmes with the limited staff available. The Training programmes in ITIs/ATIs are proposed to commence in the financial year 1999-2000.

2.4 As regards Management Information System, the Ministry has informed that civil and electrical works in 7 of the 18 locations in the States and 2 locations in Central Sector under the scheme have been completed. Necessary hardware and software items are being procured for these locations. Five core MIS packages have been prepared by National Information Centre units of the Ministry for field testing. The concerned staff will be providing training by NIC.

2.5 The Ministry of Labour has furnished the amount of funds allocated under the Hi-Tech component and Management Information system for the year 1999-2000 as under:-

Central Sector

Hi-Tech Component	Rs. 804 lakh
MIS	Rs. 50 lakh
State Sector	
Hi-Tech Component	Rs. 10 lakh
MIS	Rs. 50 lakh

2.6 As regards supply of equipments, the Ministry of Labour has furnished details of major pending orders and their status of supply in case of the last tender under process in the Ministry as under:-

Package	Value	Supplier	Status	Remarks
CNC Wirecut	Rs. 19,220,349	Max See Taiwan	LC is being opened	Regular follow-up is being done with supplier In the event of late delivery, liquidated damages are levied.
CNC Horizontal Machining Centre	Rs. 28,803,000	HMT	Machines under inspection and equipment likely to be delivered by 31st March, 1999	
Computer items (MIS)	Rs. 5,100,000	HCL	Order is being finalised	
Printers (MIS)	Rs. 901,600	M.Intergraph	Inspection under progress	
Software (MIS)	Rs. 2,800,000	NICSI	Order is being finalised.	

2.7 Asked to state the steps taken by the Ministry to fill up the vacant posts, the Ministry has stated that the filling up of posts in the States was discussed during the implementation/ Completion Review Mission taken by the World Bank and DGET during January/February, 1999. Most of the States have committed themselves to filling up of instructional posts by December, 1999.

2.8 In the Central Sector, a bulk of the posts are required for the new RVTIs which will be filled when infrastructure is ready. The filling

up of the other posts are being followed-up with UPSC for Group A and B posts. The vacant Group C and D posts are being filled through Departmental Committees.

Apprenticeship Training vis-a-vis functioning of ITIs

2.9 When asked whether some employers who do not engage apprentices in the industries/establishments contravene the provision of the Apprentices Act 1961, the Ministry in a written note furnished to the Committee has stated that some of the employers who inspite of having training facilities do not engage apprentices in the industries/ establishments contravene the provisions of the Apprentices Act, 1961.

2.10 The implementing agencies, namely, Regional Directorate of Apprenticeship Training under the Directorate General of Employment and Training (DGET) and State Apprenticeship Advisers persuade employers to engage trade apprentices as per the seats located. The trained students from ITIs as well as school leavers who possess prescribed entry qualifications are eligible to be engaged as trade apprentices under the Apprentices Act, 1961. In order to ensure full utilization of seats located, necessary follow-up action is taken by the DGET at appropriate levels in the Central and State Governments. If all methods of persuasion fail, the implementing agencies may take legal action as per the provisions under the Act.

2.11 The Ministry of Labour has furnished a statement showing the number of seats utilised as against the number of seats located for trade apprentices in establishments alongwith the percentage utilisation in both Central and State Sectors(as on 30.9.1998) as under:—

CENTRAL SECTOR

S.No.	Region	Seats located	Seats Utilised
1.	RDAT, Mumbai	5161	3823
2.	RDAT, Calcutta	10715	6934
3.	RDAT, Faridabad	4822	3679
4.	RDAT, Hyderabad	5252	3324
5.	RDAT, Kanpur	8863	6501
6.	RDAT, Chennai	12290	10038
	Total	47103	34299

Percentage utilisation of seats in Central Sector = 72.8%

STATE SECTOR

S.No.	Region	Seats located	Seats Utilised
1.	Andhra Pradesh	16308	13409
2.	Arunachal Pradesh	–	–
3.	Assam	671	60
4.	Bihar	3042	1781
5.	Goa	587	335
6.	Gujarat	23475	18933
7.	Haryana	6065	4901
8.	Himachal Pradesh	1916	340
9.	Jammu & Kashmir	353	370
10.	Karnataka	22526	9133
11.	Kerala	7191	4760
12.	Madhya Pradesh	3847	1956
13.	Maharashtra	25636	23595
14.	Manipur	80	42
15.	Meghalaya	–	–
16.	Mizoram	–	–
17.	Nagaland	26	3
18.	Orissa	3728	2927
19.	Punjab	5674	4542
20.	Rajasthan	6492	2428
21.	Tamil Nadu	21389	16804
22.	Tripura	–	–
23.	Uttar Pradesh	27656	13948
24.	West Bengal	5728	4664
25.	A & N Islands	–	–
26.	Chandigarh	262	142
27.	D & N Haveli	50	47
28.	Daman & Diu	28	20
29.	Delhi	4880	3480
30.	Lakshadweep	–	–
31.	Pondicherry	569	395
	Total	188179	128946

Percentage utilization of seats in State Sector = 68.52%

2.12 Asked whether the Ministry is satisfied with the present level of utilisation of seats, the Ministry has stated that DGET, Ministry of Labour is of the opinion that the present level of utilisation of seats located for trade apprentices leaves scope for improvement. Continuous efforts are made by the implementing agencies and DGET to achieve full utilisation of seats located for trade apprentices. During the recent past following efforts were made by the Ministry of Labour in this direction:—

* Meeting with State Secretaries taken by Secretary, Labour on 23.1.1997.

* Meeting held by Secretary, Labour with Member (Staff) Railway Board on 7.8.1997, followed by meeting between Director of Apprenticeship Training, DGET and Executive Director (T&MPP) Railway Board on 27.10.1997 to hold Joint resurvey in the Railway establishments. After resurvey, the percentage utilisation in Railways has improved.

* Meeting between Joint Secretary/Director General of Employment & Training and Joint Secretary (Steel) was held on 25.5.1998 regarding engagement of apprentices in Steel Sector. The establishments of SAIL have initiated the process of engaging the apprentices.

* After concerted efforts made at the level of Department of Atomic Energy, Bhabha Atomic Research Centre has initiated the process of engagement of trade apprentices.

* Continuous updation of list of trade and curricula of existing trades is done to keep pace with technological changes so that the gap between seats utilised and located can be bridged.

2.13 Asked to furnish the details of legal action taken under the provisions of the Apprentices Act, 1961 by the implementing agencies, the Ministry has stated that the Apprenticeship Training Scheme is essentially a pro-active measure to develop trained manpower as per requirement of the Industry by utilising the infrastructure available with the industry. The Apprenticeship Advisors follow the method of persuasion and motivation to ensure utilisation of seats located.

2.14 No legal action has been taken against the defaulting establishments in respect of Central Sector. A few cases of prosecution

under the Apprentices Act, 1961 against the defaulting establishments have been reported by the State Governments of Bihar and Kerala. Due to lack of significant expansion in organised sector, rapid technological changes and recessionary trends in the economy, punitive action on a significant scale is not contemplated at present.

2.15 The Committee note that the Ministry has still not been able to complete two of the selected components namely Hi-Tech and Management Information System under World Bank Assisted Vocational Training Project during the extended period of the project i.e. upto 31 December, 1998. The Ministry has stated that the supply of equipment under the Hi-Tech scheme is underway while training programmes in ITIs/ATIs have not commenced so far. Under Management Information System, civil and electrical works in most of the States as well as under Central Sector have not been completed. In the opinion of the Committee, the whole Project has been badly delayed since its inception thereby causing undue financial strain on the Government. The Committee, therefore, urge the Ministry to make all out efforts so that the two selected components under World Bank Project are completed in all respects within the financial year 1999-2000 and the schemes should not be allowed to spill over to the next financial year. The Committee also desire that the Ministry of Finance should be vigorously pursued for creation of the re-assessed posts under the Hi-Tech scheme. Progress achieved in this regard should be communicated to the Committee after every three months.

2.16 The Committee note with concern that major orders for procuring equipments worth crores of rupees are still pending with various suppliers and for some of the packages undue delay in finalising the orders has taken place. The Committee fail to understand as to how the scheme could be fully operationalised in the absence of equipments required for the project. In the opinion of the Committee, the Ministry's monitoring in this regard has not been upto the mark. The Committee, therefore, strongly recommend that vigorous efforts should be made to ensure that equipments already requisitioned are supplied without further loss of time. Also immediate steps should be taken to finalise and place orders in regard to rest of the packages required for the project so that scheme is made fully functional without delay.

2.17 The Committee note with dismay that though the Apprentices Act, 1961 provides for engaging apprentices in industries/ establishments yet many employers contravene the provisions of the Act. In the opinion of the Committee, the Ministry has not shown any seriousness in enforcing the Act and thus allowing the employers to escape. The Committee, therefore, urge the Ministry to use both the methods of persuasion and legal action so that optimum seats located for trade apprentices are realised.

2.18 The Committee are deeply concerned at the present level of utilisation of seats located for trade apprentices in establishments both in the Central and State Sectors. In the State sphere, the percentage utilisation of seats come to 68.52% which is far too less than the number of seats located for trade apprentices in various establishments. The Committee, therefore, urge the Ministry to take necessary follow up action with both the Central and State establishments so that the gap between the seats utilised and seats located is bridged. The Committee are also of the opinion that the Ministry should undertake a re-survey of establishments where utilisation of seats are minimal.

Major Head-2230
Sub-Head-01.114

B. WELFARE OF EMIGRANT WORKERS

2.19 The Budget Estimates for 1998-99 under the scheme was Rs.120 lakhs. It has been reduced to Rs.119 lakhs at the Revised Estimates stage. An amount of Rs.126 lakhs is the Budget Estimates for the year 1999-2000.

2.20 It has been stated by the Ministry in their Performance Budget for the year 1999-2000 that the Emigration Act, 1983 regulates the emigration of Indian Workers for overseas employment on contractual basis and seeks to safeguard the interest of the workers.

2.21 Asked to furnish a Statement showing the number of Indian workers working abroad State-wise and Country-wise, the Ministry of Labour, in a written reply furnished to the Committee has stated that according to the available information 67, 58, 192 Indian are settled/ working abroad. The State-wise information is not maintained/ available.

2.22 When pointed out by the Committee that the Ministry of Labour has not maintained the State-wise information of emigrant workers, the representative of the Ministry stated as under:—

> "I would like to clarify that at the district level, the Labour Enforcement Officer or the Deputy Commissioner or whoever it is, he is with the State Government. I agree that it is important to gather the data but Labour Officer will have to send the information through the Labour Commissioner, the State Government and all that. We do not have any control over the State Government employees".

2.23 On being asked whether the Government has given a thought to create a legal cell in the Indian Missions and to post labour officials trained in labour problems, the Ministry has stated that the Government has not considered it necessary to create a legal cell in the Indian Missions specifically to look after the problems of the Indian workers. In most of the countries where there is large concentration of Indian Workers, posts of First Secretary (Labour) or Labour Attache have already been sanctioned by the Ministry of External Affairs. A proposal for posting of Officers of Ministry of labour who have sufficient knowledge of the Labour Laws in general and the Emigration Act in particular, as Labour Attache has, however, been sent to the Ministry of External Affairs for their consideration.

2.24 The Ministry has furnished the following details regarding the number of workers who were given emigration clearance during the last 3 years as under:—

Year	Number of workers given emigration clearance
1996	4,14,214
1997	4,16,424
1998	3,55,164

2.25 The Ministry has further stated that a large number of Indian holding passports with the classification of "Emigration Check Not Required (ECNR)" also go to other countries for contractual employment. Since such persons are not required to obtain emigration clearance from the Offices of the Protectors of Emigrants, no records of such persons is kept.

2.26 Asked to state whether the Government proposes to review its policy with a view to protect the right of the Indian Labourers in other countries, the Ministry has stated that the Emigration Act and the rules framed thereunder already provide for the safeguards which are required to be taken before any worker is allowed to leave the country for work abroad. A proper agreement is signed by the local recruiting agent with the person to be deployed abroad for work on behalf of the foreign employers.

2.27 Adding further, the representative of the Ministry of Labour stated during evidence:—

> "Where there is a concentration of Indian Workers, in our Missions, we have Labour Attaches and whenever our workers face any problem they approach them and the Indian Mission immediately take up the matter with the foreign employers and the local department concerned. Simultaneously they inform the Ministry of Labour".

2.28 The Ministry has furnished the following details of complaints received from emigrant workers as under:—

Year	Number of Complaints
1996	69
1997	136
1998	110
Total	315

2.29 As regards the steps taken by the Ministry for redressal of grievances of the workers it has been stated by the Ministry that whenever any complaint relating to change of agreement to the disadvantage of the workers, non-availability of good working/living conditions, non-payment/delayed payment of salary, harassment etc. is received from the workers, the local Recruiting Agent is immediately directed to settle the grievances of the workers. The matter is simultaneously taken up with the concerned Indian Mission abroad who get in touch with the concerned local Department and the foreign sponsors. In majority of the cases such complaints are settled. Whenever the complaints are made by the workers on return to the country either on completion of the contract or before that, both the

complainants and the Recruiting Agents are asked to appear in public hearing. In the event of the complaint being found genuine, the local recruiting agent is directed to settle the complaint. If the local recruiting agents do not comply with the direction, action is taken to suspend/ cancel his Registration Certificate.

2.30 Adding further, the representative of the Ministry stated during evidence:-

> "I can only say with some satisfaction that in most of the cases the complaints are settled. We take immediate action and sometimes pull up the local agents to behave properly."

2.31 Asked to state whether there is a separate cell in the Ministry of Labour for redressal of grievances for the emigrant workers, the Ministry has stated that while there is no special cell in the Ministry of Labour for the redressal of grievances for the emigrating workers, there is a small Public Grievance Cell in which complaints from all sources are received. However, in the case of emigrant workers, the complaints are directly received and handled in the Emigration Division of the Ministry. The Protector General of Emigrants and the senior officers of the Ministry of Labour hold public hearing twice a week on every working Tuesday and Friday from 11.30 AM to 12.30 PM. The offices of the Protector of Emigrants are also expected to hold similar public hearings. During the last three years the number of petitions received in the public hearings was as under:-

Year	Number of Petitions
1996	655
1997	1755
1998	1418

2.32 The Ministry has further stated that these petitions are mostly petitions from the Recruiting Agents who appear in public hearings to find out the position of their cases relating to issue of fresh certificates, renewal of certificates, seeking advice regarding the procedure of getting registration certificates and the complainants who had to return from abroad for one or other reason. Most of these petitions were disposed of either during the public hearings or immediately thereafter.

2.33 On being asked to state the latest position in regard to setting up of a Central Manpower Export Promotion Council as well as Welfare fund for emigrant workers, the Ministry has informed that consultation with the State Governments and the Indian Missions is over. A draft note for the Cabinet was prepared and circulated among the Central Ministries/Departments. Comments from most of the Ministries/ Departments have been received. The Ministry of External Affairs, who are expected to play an important role in the functioning of the proposed Council have not yet sent their comments. They have been reminded. After the comments of the Ministry of External Affairs have been received, the note for the Cabinet will be finalised and placed for the consideration of the Cabinet.

2.34 The Committee note with concern that though the main job of the Protector General of Emigrants is to see the welfare of emigrant workers, yet the Ministry of Labour has not been able to create a legal cell in the Indian Missions specifically to look after the problems of such workers. The Committee have been informed that a proposal for posting of officers of the Ministry of Labour who have sufficient knowledge of the labour laws in general and the Emigration Act in particular, as labour Attache has been sent to Ministry of External Affairs and is pending for their consideration. In the opinion of the Committee the officials posted in Indian Missions are burdened with other jobs and also not familiar with labour problems and as such it is difficult for them specifically to look into the problems of emigrant workers. The Committee, therefore, strongly recommend that the Ministry should take up the issue with the Ministry of External Affairs for early clearance of proposal for posting of officers of Ministry of Labour as labour Attache in Indian Missions for the benefit of emigrant workers. Steps taken in this regard should be communicated to the Committee within three months' time.

2.35 The Committee are concerned to note that though the proposal for setting up of a Central Manpower Export Promotion Council which could undertake the task of promotion of employment of Indian personnel/services abroad undertaking the publicity and promotional work for Indian manpower abroad and liaisoning with International agencies and foreign employers was sent to Ministry of External Affairs in the year 1996, yet their comments on the issue have not so far been received by the Ministry of Labour. The Committee are not happy with the situation. In their view, there is

an urgent need to set up the proposed Council which can look after the welfare of emigrant workers in a broader perspective. The Committee, therefore, strongly recommend that the matter should be taken up with Ministry of External Affairs at the highest level so that their comments are received at the earliest and Central Manpower Export Promotion Council is set up without further loss of time.

Major Head-2230
Sub Head: 02.03

C. NATIONAL CHILD LABOUR POLICY

2.36 The Budgetary Provisions under the National Child Labour Project during the year 1998-99 was Rs. 4059.00 lakhs. The expenditure incurred upto January 1999 was of the order of Rs.2075.71 lakhs.

2.37 At present, there are 76 National Child Labour Projects covering nearly 1.5 lakh children.

2.38 Asked to state whether the Government is proposing to establish more NCLPs, the Ministry of Labour has informed the Committee that the Cabinet Committee on Economic Affairs (CCEA) in their meeting held on 20.1.99 has approved the proposal of the Ministry of Labour for continuance of the scheme of National Child Labour Projects during the Ninth Plan period. The Committee has also approved increase in the number of projects from the existing 76 to 100. The details of the additional child labour projects to be set up in different States/Districts is being worked out in consultation with the State Governments.

2.39 The Ministry has further stated that around 30 proposals were received from the State Governments/districts mostly during 1995-96 for setting up of NCLPs. The issue of setting up of additional projects was discussed in the meeting of the Central Monitoring Committee held on 16.2.99. As per the decision taken in the meeting, the State Governments have been advised to make a fresh assessment of the proposed projects and prioritise them in terms of severity of the problem, number of children working in hazardous occupations and availability of NGOs to take up rehabilitation programme in the districts. A view regarding the sanction of the additional projects will be taken only on receipt of response from the State Governments.

2.40 When asked to state how far these projects have been able to achieve the objective of withdrawal of children from hazardous employment and ensuring their rehabilitation, the Ministry has stated that the Government had set up an Inter-Ministerial Team in the beginning of 1998 comprising of representatives of the Department of Expenditure, Ministry of Finance, Planning Commission, Department of Women and Child Development, Ministry of Labour to make an assessment of the progress made under some of the NCLPs and to ascertain their strength and weaknesses. The team had observed that the National Child Labour Projects have been able to achieve the immediate objective of withdrawal of children from hazardous employment and ensuring their rehabilitation through education in the special schools to a considerable extent. The team had observed that performance of some of the projects is particularly noteworthy and extremely encouraging.

2.41 Adding further, the representative of the Ministry of Labour stated during evidence:-

> "In March 1998, the EFC decided to appoint an Inter-Ministerial Team to inspect and make an objective assessment of the progress made so far. After visits to various sites, the Team praised some of the projects and observed that the project has been able to achieve its objective. The EFC in its meeting held in June 1998 considered the report and recommended the continuation of the revised schemes. In January 1999, The Cabinet Committee on Economic Affairs approved the proposal for continuation of the scheme during the Ninth Plan and also approved the increase of the number of Projects from the existing 76 to 100. The problem regarding audited accounts is also sought to be sorted out by streamlining the procedures. With this, the scheme is expected to pick up during 1999-2000".

2.42 As regards the continuance of the Scheme of National Child Labour Project, it was informed that the Project was approved by the Cabinet Committee on Economic Affairs (CCEA) on 20.1.99. Delay in the approval of the scheme has resulted in some temporary slippage in the release of funds. Releases have also been delayed due to the late receipt of Audited Accounts etc. from the project societies. The scheme has since been approved for its continuance during the Ninth Plan. Therefore, there is no uncertainty in the continuance of the project and it is expected that the release of funds would be timely and regular.

2.43 As far as non-governmental organisations (NGOs) are concerned, the Committee was informed that these are important partners in the programme for rehabilitation of child labour. Project societies at the district level have been involving NGOs in the implementation of the Child Labour Projects particularly in the running of Special Schools/Rehabilitation Centres. The performance of the NGOs is monitored by the project societies at the district level. Periodic progress reports are sent by the project societies to the Government. The Inter-Ministerial Teams which assessed the performance of some of the child labour projects have commended the role of people's participation and involvement of the grassroot level Organisations. No major complaint has been received by the Government.

2.44 Asked to state the steps taken by the Government against the organisation where performance of the project has not been found satisfactory, the Ministry has stated that it is the project society at the district level which assigns the running of special schools/rehabilitation centres to NGOs and Voluntary organisations. Their performance is accordingly monitored at the district level by the respective project societies. The State and the Central Government monitor the performance of the project society by organising meetings at the Central as well as the State levels. Appropriate directions are given for improving the performance of the project as a part of their on-going activities.

2.45 As regards the existing scheme of monitoring mechanism, the Committee was informed that as part of the monitoring mechanism, the project societies have been furnishing periodic progress reports to the Government. The projects are also periodically inspected by inspecting teams constituted for the purpose. Apart from this, periodic visits of the project and review at the State and District levels are undertaken by the officers of the Ministry from time to time.

2.46 The Central Monitoring Committee under the Chairmanship of Secretary(Labour) with representatives from the State Governments reviews the overall functioning of the child labour project at the National level. The functioning of the projects are also monitored at the State level by the respective State Labour Secretaries or the concerned department. At the district level, the District Collector periodically reviews the performance of the child labour project under implementation in the district. The Ministry has further stated that no specific amount out of Central Budget has been earmarked for monitoring mechanism at the State level.

2.47 During evidence it was pointed out that the Ministry has no separate mechanism to monitor the implementation of the project, the representative of the Ministry of Labour stated as under:—

> " Up till now, since the work was not really at a full scale if I may say so. We should now think of maybe putting an institutional mechanism which can go periodically and monitor them. We will have to think about some institute or some institutes in the State Governments."

2.48 The Ministry of Labour has furnished the following details of steps taken for ensuring regular release of funds:—

(i) Project societies are pursued to submit various returns like Audited accounts, progress reports and Utilisation Certificates in time.

(ii) State Governments are asked to supervise the submission of various returns by the project societies.

(iii) In the Central Monitoring Committee, the need for submission of information in time is emphasised and the members are asked to ensure timely submission of returns.

(iv) Detailed Manual on the implementation of child labour has been prepared and sent to project Directors for their reference.

(v) Meeting of the Project Directors are organised from time to time to have a feel about the problem being faced by them at the district level in submitting the various returns in time and to guide them properly.

2.49 In reply to a question, the Ministry has informed the Committee that there is no specific scheme for providing benefit to the parents of children covered under the child labour projects. The Ministry of Labour has, however, taken up the issue of giving preference to the parents of child labour with Ministry of Rural Areas and Employment in their existing employment generation and poverty alleviation schemes. The Ministry of Rural Areas and Employment vide their circular No.R-20015/6/95-IRD.IV dated 29th April, 1997 has given overriding priority for assistance under Integrated Rural Development Programme (IRDP) to an adult member of family in the

place of child withdrawn from work, provided the family is a Below Poverty Line (BPL) family residing in rural areas.

2.50 When asked to state the number of adult members of families who have been given employment in place of a child withdrawn from work, the Ministry has stated that the Ministry of Rural Areas and Employment is being addressed on this issue.

2.51 The Committee note that the Cabinet Committee on Economic Affairs has approved the proposal of the Ministry of Labour for continuance of the scheme of National Child Labour Projects during the Ninth Plan period, in January, 1999 and also approved increase in the number of projects from 76 to 100. The Committee further note that the Ministry of Labour has advised the State Governments to make a fresh assessment of their proposed projects sent by them way back in the year 1995-96. In the opinion of the Committee, these proposals numbering around 30 received from State Governments have been delayed for more than four years and hence should be considered for sanction on priority. The Committee, therefore, urge the Ministry to take up the matter with the concerned State Governments for assessing the proposed projects at the earliest so that sanction for running of these projects are issued without further loss of time. In order to ensure effective monitoring of Child Labour Projects, the Committee recommend that there should be a separate institutional monitoring mechanism in the Ministry which should periodically monitor the activities of the project societies and implementing agencies down to the grass-root level so that problems regarding late receipt of audited accounts, utilisation certificates and delay in timely release of funds etc. are eliminated. Steps taken and progress achieved in this regard should be communicated to the Committee after six months.

2.52 The Committee note that through the efforts of the Ministry of Labour, the Ministry of Rural Areas and Employment has issued a circular in April, 1997 giving overriding priority for assistance under IRDP to an adult member of a family in place of a child withdrawn from work if the family is a Below Poverty Line (BPL) and residing in rural areas. However, the Ministry of Labour has no information on the number of such adult members given employment so far. In the opinion of the Committee, the Ministry has not shown any seriousness in this regard. The Committee, therefore, urge the Ministry to take up the issue with the Ministry of Rural Areas and

Employment and ensure that the provisions laid down by them vide their circular No.R-20015/6/95-IRD. IV dated 29 April, 1997 are implemented effectively so that children withdrawn from work are not allowed to relapse into child labour.

Major Head: 3601
Sub-head: 01.325

D. BEEDI WORKERS WELFARE

2.53 The Budget Estimates for 1998-99 under the Beedi Workers Welfare was Rs. 2,13,00 thousand and Rs. 3,00,00 thousand is the Budget Estimates for 1999-2000.

2.54 It has been stated in the Performance Budget of the Ministry of Labour for the year 1999-2000 that an overwhelming majority of beedi workers, estimated to be around 4.4 millions, are home workers. Therefore, identification of these workers is a must for extending benefits effectively under the welfare schemes. This has been taken up on a priority basis.

2.55 As regards issuance of identity cards to beedi workers it has been informed by the Ministry that it is a continuing process. From time to time, campaigns have been launched through Welfare Commissioners with the assistance of State Governments to survey and issue identity cards to beedi workers. The Welfare Commissioners have been given a monthly target of 250 identity cards to be issued by each dispensary each month. Keeping in view the limitation of the resources available, all the States/UTs Chief Secretaries, Labour Secretaries, Revenue Secretaries etc. have also been requested to launch campaigns for issuing identity cards to beedi workers.

2.56 Adding further the representative of the Ministry during evidence stated as under:—

> "This is a continuing process. We are on the job. Campaigns have been launched from time to time with the help of the State Governments. Some beedi workers who are issued identity cards, stop working as beedi workers and new workers are added. Sometimes employers also fight shy to give 'employee' status to the workers. Therefore, we are forced to issue identity cards through our own machinery. For conducting a survey, no agency as such has been appointed. But the Labour Bureau of our

Ministry also conduct surveys from time to time. Through the State Governments also we get reports that at such and such place there is a concentration of beedi workers. As and when we locate beedi workers, we issue identity cards to them. This entitles them to receive various kind of welfare benefit from our welfare organisation."

2.57 The Ministry has furnished the following Statement showing statewise details of the total number of beedi workers and the number of identity cards issued so far:-

STATEMENT SHOWING STATE-WISE DETAILS OF THE TOTAL NUMBER OF BEEDI WORKERS

Sl. No.	Name of the State	Total No. of Beedi Workers Estimated at Present	No. of Identity Cards issued till date
1.	Andhra Pradesh	6,25,000	4,73,769
2.	Assam	7,725	5,349
3.	Bihar	3,91,500	2,44,847
4.	Gujarat	50,000	46,234
5.	Karnataka	3,60,000	2,93,445
6.	Kerala	1,36,416	1,12,810
7.	Madhya Pradesh	7,50,000	7,00,000
8.	Maharashtra	2,56,000	1,93,880
9.	Orissa	1,60,000	1,17,251
10.	Rajasthan	1,00,000	70,109
11.	Tripura	5,000	4,485
12.	Tamil Nadu	6,21,000	5,91,197
13.	Uttar Pradesh	45,0000	2,17,525
14.	West Bengal	4,87,000	4,73,769
	TOTAL	43,99,644	35,74,154

2.58 Regarding problems being faced by the government in identifying the beedi workers in the States, the Ministry in a written reply furnished to the Committee has stated that it has been observed that there is reluctance on the part of the employers to accept employer-employee relationship which creates problem in identification of beedi workers. Further a number of beedi workers are located in interior and remote areas whereas the resources available with Labour Welfare Organisation are limited. This has also contributed towards difficulties in identification of beedi workers.

2.59 The Ministry has furnished a statement giving details of the dispensaries/hospitals set up under the Beedi Workers Welfare Fund alongwith the dispensaries/hospitals set up during the last three years:—

I. Statement showing the details of dispensaries set up under Beedi Workers Welfare Fund

Sl. No.	Region	State	No. of Dispensaries
1.	Hyderabad	Andhra Pradesh	18
		Tamil Nadu	18
2.	Jabalpur	Madhya Pradesh	27
3.	Bangalore	Karnataka	27
		Kerala	12
4.	Bhilwara	Gujarat	06
		Rajasthan	10
5.	Karma	Bihar	22
6.	Allahabad	Uttar Pradesh	19
7.	Nagpur	Maharashtra	17
8.	Bhubaneswar	Orissa	14
9.	Calcutta	West Bengal	16 (including Chest Clinic)
		Assam	01
		Tripura	01
		Total	208

The above statement includes 51 new dispensaries sanctioned during the year 1997-98 details of which are given below:

Sl. No.	Region	State	No. of Dispensaries Sanctioned
1.	Hyderabad	Andhra Pradesh	5
		Tamil Nadu	8
2.	Jabalpur	Madhya Pradesh	5
3.	Bangalore	Karnataka	8
		Kerala	4
4.	Karma	Bihar	8
5.	Allahabad	Uttar Pradesh	8
6.	Nagpur	Maharashtra	1
7.	Calcutta	West Bengal	4
		Total	51

II. Statement showing the details of existing hospitals set up under Beedi Workers Welfare Fund.

1. 50 Bedded Central Hospital at Mysore.
2. 10 Bedded Hospital at Gursahaiganj (UP.)
3. 50 Bedded T.B. Hospital at Karma

2.60 It has further been stated that no new hospital has been set up during the last three years.

2.61 As regards opening of new dispensaries, the representative of the Ministry stated during evidence:—

"Out of 51 dispensaries, only 31 dispensaries could be opened and the rest could not be opened due to non availability of doctors and para medical staff. This has been a serious problem. At present, out of 317 sanctioned posts, only 191 doctors have been appointed. Out of this 191, 35 are on an *ad hoc* basis. For the last several years, 121 posts are vacant. Earlier we used to depend on the DGHS to do it. They used to have an All India examination and all that."

2.62 Adding further, the representative of the Ministry stated:—

"After great difficulty, we managed to persuade the Health Ministry to decadre these posts. It is a recent decision. Now what we propose to do is that we will create our own cadre, to begin with, for 50 per cent of the posts. We will prepare the recruitment rules and start recruiting doctors in our own cadre. I believe that we are trying to advertise and get local doctors."

2.63 Asked to state the number of beedi workers covered under the Provident Fund Scheme, the representative of the Ministry stated during evidence:—

"Out of 35 lakh workers, around 15,48,000 beedi workers have been covered under the Provident Fund Scheme. As far as the implementation of the Employees' Provident Fund Scheme for the beedi workers is concerned this was notified in the schedule in 1977, and we have the same pattern of concentration of beedi workers. The difficulties which we face, sometimes, in respect of home workers. We have a pattern of schedule, according to which, any establishments having 20 or more employees must implement this scheme. So, there could be small establishment which are engaging less than 20 employees. So, with respect to that, there is a lot of exclusion. In order to cover more beedi workers under this Scheme, it is better to reduce that number and the issue is already under our consideration. That is one of the important reasons for not covering all the beedi workers under this scheme. Secondly we are monitoring the figure given by the D.G. (Labour Welfare) on the issue of identity cards. May be, there are certain gaps in certain States. I have noted the gaps. I will go back and definitely take it up with my officials and see that it is extended to these areas."

2.64 The Committee are constrained to note that though the Government has identified 43,99,644 beedi workers in different parts of the country, more than 8 lakh identity cards are yet to be issued by them. The Committee fail to understand as to how the remaining Beedi workers would be able to get the various welfare benefits. In their opinion, the Ministry lacks coordination with the State Governments and their monitoring for the scheme has not been upto the mark. The Committee, therefore, strongly recommend that the Government should evolve ways and means in consultation with State Governments for issuance of identity cards to the beedi workers including `Ghar Khata' workers without further loss of time so that they are no longer deprived of the benefit of welfare schemes being run by the Government in this regard.

2.65 The Committee are concerned to note that more than 2 lakh beedi workers have not been covered under the Employees Provident Fund and Miscellaneous Provisions Act, 1952. The Ministry has itself admitted during evidence that there are certain gaps in certain States in coverage of beedi workers under EPF&MP Act. The Committee, therefore, strongly recommend that vigorous efforts should be made to cover all the identified beedi workers under EPF&MP Act without further delay. Also effective monitoring should be done by the Ministry in this regard.

2.66 The Committee further note that out of 51 dispensaries, only 29 dispensaries for beedi workers could be opened and the rest could not be opened due to non-availability of doctors and para medical staff in various States. The Committee have also been informed that out of 317 sanctioned posts, only 191 doctors have been appointed and that too 35 doctors are on *ad hoc* basis. For the last several years 121 posts are lying vacant. Viewing this situation with great concern, the Committee strongly recommend that all the posts of doctors and para-medical staff should immediately be filled so that the beedi workers do not suffer due to non availability of doctors and para medical staff. Also immediate steps should be taken by the Ministry to create their own cadre for recruitment of doctors so that dispensaries/hospitals run smoothly. Steps taken in this regard should be communicated to the Committee within six months' time.

Major Head: 2230
Sub-head: 08.03

E. REORGANISATION AND STRENGTHENING OF THE DGFASLI ORGANISATION AND ESTABLISHMENT OF SPECIAL CELL.

2.67 Budget Estimates for the year 1998-99 was Rs. 13,00 thousand and Revised Estimates for 1998-99 was Rs. 21,20 thousand. The Budget Estimates for the year 1999-2000 is Rs. 16,50 thousand.

2.68 It has been stated in the Performance Budget that the main objective of the organisation is to function as a service organisation and to advise Central/State Governments, trade unions, employers and others in matters concerning safety, health, productivity and working condition in factories and ports and to carry out support research activities for updating the Factories Act 1948, the Dock Workers (Safety, Health and Welfare) Act 1986 and the Rules and Regulations framed thereunder. The above objective is accomplished by the organisation through programmes and activities carried out under various Plan and Non-plan Schemes.

2.69 The Ministry has furnished the following Statement showing the number of training activities, appreciation, promotional programmes and National Studies/Surveys conducted by DGFASLI Organisation during 1997-98 and 1998-99:—

	1997-98	1998-99
Training Programmes	258	194
Appreciation Programmes	546	453
Promotional Programmes	102	80
National Studies	7	9
Total:	913	736

2.70 When asked whether the number of Seminars conducted to educate the workers and management of the industries are adequate, the Ministry in a written reply has stated that it would not be possible to opine that the awareness creation activities through the conduct of Seminars, training programmes, etc. are adequate at any point of time. Every day new hazards are being posed as the technology is

fast changing. These activities are to be taken up on a continuous basis and if considered necessary, more programmes of this type would be organised.

2.71 On being asked about the manpower with DGFASLI, the Ministry in a written reply furnished to the Committee has stated that manpower constraints have been experienced by DGFASLI more consequent to the direction of the Government to surrender 10% of the posts. DGFASLI had to surrender/proposed to surrender 54 (47+7) posts. Besides, as on date, 71 posts are lying vacant. Details of the existing posts and vacancy position are as follows:—

S.No.	Group	Sanctioned strength	No. of persons in position	No.of posts lying vacant
1.	Group A	131	100	31
2.	Group B	31	28	3
3.	Group C	215	187	28
4.	Group D	160	151	9
	Total	537	466	71

2.72 The Ministry has further informed that because of the efforts taken by DGFASLI, posts created during the 7th Plan period were allowed to be continued. This has reduced the manpower constrains to some extent. Keeping in with the demand from the industries and other organisations and to render more service, the augmentation of manpower is important for fulfillment of the objective of the DGFASLI. Consequent to the liberalisation and increase in the tempo of activities in the manufacturing sector, the demand for the safety related services have increased and the government is alive to the need to prepare itself to meet the increased demand. DGFASLI has been implementing 9 Plan Schemes which have been continued in the IX Five Year Plan. Ministry has also proposed certain new schemes in the IX Five Year Plan with the above objectives. Pending approval of these new schemes and creations of additional posts, the available manpower, resources and infrastructure are being optimally used by identifying thrust areas/ priority areas. Apart from above, continuous efforts are also being taken to fill up the vacant posts.

RLI AT FARIDABAD

2.73 As regards transfer/possession of land to Ministry of Labour for establishment of Regional Labour Institute at Faridabad, the Ministry in their written reply furnished to the Committee has stated that in addition to the letter from Labour Secretary to Chief Secretary (Haryana), letter from Labour Minister was also issued to the Chief Minister of Haryana for waiving off the interest and for transfer of land in favour of Ministry of labour. In response, the State Government replied that there was no provision for waiving off of interest and advised the Ministry of Labour to pay interest so that the possession of land could be effected. The Ministry, thereafter, immediately deposited the amount of interest upto 31.12.98 with HUDA and has requested for transfer of land in favour of Ministry of Labour immediately.

2.74 On being asked about the present status of the Institute, the representative of the Ministry stated during evidence:—

> "It has to take a few years definitely. But, of course, this year we have planned that atleast we should get the land, put up the boundary wall and also take initiative to see that the manpower for this is created, for which we are making a proposal to the Ministry of Finance."

FACTORIES ACT

2.75 On being asked about the steps taken by the Ministry in persuading the State Governments to adopt the model rules framed by DGFASLI consequent to the amendment of the Factories Act in 1987 for the welfare of labourers, the Ministry in a written reply furnished to the Committee has stated that the Factories Act, 1948, though an Act of Parliament, is enforced by the State Governments by framing rules under the various enabling provisions of the Act, wherever necessary. As such, the DGFASLI on behalf of the Central Government frames Model Rules for the guidance of the State Governments through the Ministry of Labour. While forwarding the Rules, the Ministry of Labour also advises the State Governments to make such modifications as is considered necessary to suit the local conditions. In view of this the State Governments may not entirely adopt the Model Rules, but by and large these Model Rules are adopted by the State Governments, which serves the purpose of achieving a

measure of uniformity in the statutory standards. The Ministry of Labour takes it up with all the State Governments to expeditiously adopt the Model Rules and follow up action is also taken by the Ministry. The DGFASLI is also utilising the forum of the Conference of Chief Inspectors of Factories and urges them to take it up with the State Governments to consider the Model Rules and to issue them under their State Rules expeditiously.

2.76 The Committee note that although DGFASLI organisation is entrusted with an important task of improving safety, health, productivity, working conditions in factories and ports, yet a large number of posts are lying vacant in the organisation. Further the Budget Estimates for the year 1999-2000 has significantly been reduced from the Revised Estimates for the year 1998-99. The Committee are not happy with the situation. In their view activities and programmes of the Organisation should further be increased keeping in view the fast changing technologies in the industrial sector. The Committee, therefore, urge the Ministry to strengthen the organisation by allocating more funds and by increasing their staff strength to enable them to carry out more number of studies/ surveys pertaining to working conditions, health status of worker and other matters related to industrial safety. The Committee also desire that the Ministry of Labour should impress the Ministry of Finance that 10% of its existing posts of the organisation are not surrendered. Steps taken and progress achieved in this regard should be communicated to the Committee within six months' time.

2.77 The Committee are constrained to note that though full payment and the interest for late payment for possession of the land for establishment of Regional Labour Institute at Faridabad have been made by the Ministry to the State Government of Haryana on 31.3.98 and 31.12.98 respectively, however, the possession of land has not so far been handed over to the Ministry. The Committee view this situation very seriously. In their view, the Ministry's monitoring in this regard has not been good. The Committee, therefore, strongly recommend that the Ministry should take up the issue at the highest level for early possession of the land so that the Institute is established without further delay.

2.78 The Committee note with concern that though the DGFASLI organisation has framed model rules consequent to the amendment to the Factories Act in 1987 to ensure that major accidents are averted

and also loss of lives/property is minimised, some of the State Governments have not notified the model rules so far. In the opinion of the Committee the monitoring of the Ministry in this regard has not been satisfactory. The Committee, therefore, strongly recommend that the Ministry of Labour should pursue the matter with the State Governments and ensure that the model rules for the improvement of health and safety for workers are notified by all the States without further delay.

Major Head: 2230
Sub-head: 02.08

F. MINIMUM WAGES

2.79. The objective of Minimum Wages Act, 1948 is to provide for fixation of minimum rates of wages in employment in which labour is vulnerable to exploitation, being not well organised and having no effective bargaining power.

2.80 Under the Minimum Wages Act both the State and Central Governments are appropriate Governments for fixation/revision of minimum rates of wages in the scheduled employments falling under their respective jurisdictions. The appropriate Governments take into account the local conditions and other factors influencing the wage rate, while deciding the minimum rates of wages to be fixed.

2.81 The Ministry in a written reply furnished to the Committee has stated that the Government is thinking of amending the Minimum Wages Act and the proposal to amend the Act is already in an advanced stage. However, the amendments proposed do not include the provision of a uniform floor level minimum wage for all unorganised establishments in the country. This is for the reason that the concept of floor level minimum wage differs from the concept of minimum wage under the Minimum Wages Act. The Central Government has been requesting the State Governments to fix up the minimum wages under the Minimum Wages Act as per certain broad parameters discussed and enumerated in the Indian Labour Conference in 15th Session held in 1957 and also duly taking into account the various pronouncements of the Supreme Court in this regard. However, it was noted that minimum wages for certain scheduled employments in certain State Governments were quite low and had not been revised for a long time. In order to take care of such a situation, the State

Governments were requested to ensure that the wages for any scheduled employment were kept at least at the level of floor level minimum wage. The floor level wage has been fixed at Rs. 40/- per day and the Prime Minister has addressed a letter to all Chief Ministers in this regard.

Statement showing the Minimum Rates of Wages for the unskilled workers in different States/Unions Territory Administration

(As on 1.10.1998)

Sl. No.	Name of State Government/UT Administration	Range of minimum rates of wages and date of last revision	Remarks
1	2	3	4
1.	Andhra Pradesh	Rs. 16.00 to* Rs. 42.40 p.d. (9.8.96)	Rates vary from employment to employment
2.	Arunchal Pradesh	Rs. 35.60 to Rs. 37.60 p.d. (1.1.98)	Rates vary from employment to employment and area to area
3.	Assam	Rs. 32.80 to* Rs. 49.10 p.d. (1.4.95)	Rates vary from employment to employment
4.	Bihar	Rs. 38.61 to * Rs. 51.00 p.d. (21.12.95)	Rates vary from employment to employment
5.	Goa	Rs. 21.00 to Rs. 93.00 p.d. (1.4.97)	Rates vary from employment to employment
6.	Gujarat	Rs. 34.00 to * Rs. 77.80 p.d. (25.4.97)	Rates vary from employment to employment (according to zones)
7.	Haryana	Rs. 63.51 to* Rs. 67.51 p.d. (1.1.95)	Single rate for all employments, except Agriculture
8.	Himachal Pradesh	Rs. 26.00 p.d. to Rs. 45.75 p.d. (1.3.96)	For Tea Plantations. For all other employments

1	2	3	4
9.	Jammu and Kishmir	Rs. 30.00 p.d. (13.3.95)	Single rate for all employments
10.	Karnataka	Rs. 26.00 to* Rs. 56.50 p.d. (17.12.96)	Rates vary from employment to employment (according to zones)
11.	Kerala	Rs. 19.50 to* Rs. 114.16 p.d. (25.10.96)	Rates vary from employment to employment (according to zones)
12.	Madhya Pradesh	Rs. 26.46 p.d.* Rs. 55.19 p.d. (6.2.97)	Rates vary from employment to employment
13.	Maharashtra	Rs. 9.25 to* Rs. 85.95 p.d. (6.12.96)	Rates vary from employment to employment (according to zones)
14.	Manipur	Rs. 44.65 p.d.* (for plain) Rs. 49.50 p.d. (For hill areas) (8.7.95)	Double rates for all employments
15.	Meghalaya	Rs. 35.00 p.d. (1.1.95)	Single rate for all employments
16.	Mizoram	Rs. 45.00 to (10.7.97)	Single rate for all employments
17.	Nagaland	Rs. 25.00 p.d. (6.7.92)	Single rate for all employments
18.	Orissa	Rs. 30.00 p.d.* (15.8.96)	Single rate for all employments
19.	Punjab	Rs. 58.07 to* Rs. 60.62 p.d. (1.7.95)	Single rate for all employment except Agriculture
20.	Rajasthan	Rs. 44.00 p.d. (19.11.97)	Single rate for all employments
21.	Sikkim	Nil	Minimum Wages Act, 1948 is yet to be extended and enforced

1	2	3	4
22.	Tamil Nadu	Rs. 22.40 to* Rs. 79.00 p.d. (1.4.97)	Rates vary from employment to employment (according to zones)
23.	Tripura	Rs. 17.70 to* Rs. 36.00 p.d. (29.8.96)	Rates vary from employment to employment (according to zones)
24.	Uttar Pradesh	Rs. 42.02 to* Rs. 64.21 p.d. (31.10.96)	Rates vary from employment to employment (according to zones)
25.	West Bengal	Rs. 25.47 to* Rs. 72.00 p.d. (1.1.97)	Rates vary from employment to employment (according to zones)
26.	Andaman & Nicobar Islands	Rs.37.00 to Rs.40.00 p.d. (15.8.94)	Rates vary from employment to employment (according to zones)
27.	Chandigarh	Rs.58.06 p.d.* Rs. 60.15 p.d. (4.11.95)	Single rate for all employments except Agriculture
28.	Dadra & Nagar Haveli	Rs. 35.00 to Rs. 40.00 p.d. (18.5.95)	Rates vary from employment to employment (according to zones)
29.	Daman and Diu	Rs. 40.00 p.d. (24.8.98)	Single rate for all employments
30.	Delhi	Rs. 74.50 p.d.* (15.2.94)	Single rate for all employments
31.	Lakshadweep	Rs. 41.46 p.d. (1.1.96)	Single rate for all employments
32.	Pondicherry	Rs. 19.25 to Rs. 40.20 p.d. (24.7.95)	Rates for agricultural workers

2.82 On being asked whether all the State Governments/UTs have revised the wages whenever there is a rise of 50 points in Consumer Price Index, the Ministry in a written reply furnished to the Committee has stated that 18 States/UTs have linked their minimum wages to rise in Consumer Price Index for certain scheduled employments. The Central Government has been repeatedly requesting other State/UT Governments also to link wages with CPI.

2.83 The Ministry has further stated that Section 3(1)(b) of the Act is being proposed to be amended so as to reduce the period of revision of two years unless the minimum wage has a component of variable dearness allowance linked to CPI, in which case it shall continue to be five years.

2.84 Adding further the representative of the Ministry stated during evidence:

> "The Cabinet Secretariat have advised that views of the Committee of Secretaries may be obtained and the note has been accordingly sent to them. Our note is in advance stage. Once the Committee of Secretaries cleared it, then we will go to the Cabinet. Then it will be drafted and introduced in Parliament. So, the major exercise of consultation has been completed."

2.85 As regards enforcement of the Minimum Wages Act by the State Governments, the Ministry has informed that the Government of India has been requesting the State Governments to improve the enforcement machinery so that minimum wages are ensured to all the workers. This question has also been discussed in the meetings of the Regional Labour Ministers' Conference, where the State Governments were given certain suggestions to improve the enforcement of the Act. The Central Government is also considering to bring out certain amendments in the Minimum Wages Act. Some of the amendments pertain to enforcement and it is hoped that after the Act is amended, there will be better enforcement of the Act. The State Governments have also been requested to improve enforcement of the Act.

2.86 On being asked whether any thought has been given on the suggestion made by the State Governments to formulate the schemes under which the recruitment of staff is financed in the States by the Central Government, the Ministry in a subsequent reply furnished to the Committee has stated that in the above Conference for Western Region held at Ahmedabad in May 1998 and for Northern Region at Srinagar in October, 1998, some of the States suggested that Centre should extend their assistance to enable the State Government to strengthen the enforcement machinery. The matter is being examined in consultation with Planning Commission for Central Assistance to States for strengthening the enforcement machinery.

2.87 The Committee are constrained to note that the minimum wages in certain scheduled employments in some of the State Governments are either quite low or have not even been revised for a long time. The Committee, therefore, recommend that the Ministry should take up the issue with the State Governments and ensure that the wages for any scheduled employments are kept at least at the level of floor level minimum wage fixed by the Central Government. Also vigorous efforts should be made to pursue the State Governments to link the minimum wages to Consumer Price Index and revise the variable components after every six months or when the CPI increases by 50 points whichever is earlier. Steps taken and progress achieved in this regard should be communicated to the Committee within three months' time.

2.88 The Committee have been informed that the Government is thinking to amend Section 3(1)(b) of the Minimum Wages Act, 1948 so as to reduce the period of revision of minimum wages from the existing five years to two years. The Committee therefore urge the Government to bring forth the proposed legislation at the earliest.

2.89 The Committee note with concern that the Minimum Wages Act is not being implemented in letter and spirit by some of the State Governments due to inadequate enforcement machinery. The Ministry of Labour during evidence has admitted that they are considering to bring out certain amendments in the Minimum Wages Act to improve enforcement of the Act. The Committee, therefore, urge the Government to amend the Act at the earliest for its effective implementation by the State Governments. Also, the Ministry should pursue with Planning Commission for clearance of their proposal for sanction of Central Assistance to States for strengthening the enforcement machinery.

NEW DELHI;
8 *April*, 1999
18 *Chaitra* 1921 *(Saka)*

HARIN PATHAK,
Chairman,
Standing Committee on Labour and Welfare.

ANNEXURE –I

MINUTES OF THE SEVENTEENTH SITTING OF THE STANDING COMMITTEE ON LABOUR AND WELFARE HELD ON THURSDAY, 8 APRIL, 1999

The Committee met from 11.30 hrs. to 13.30 hrs. in Committee Room 'E', Parliament House Annexe, New Delhi.

PRESENT

Shri Harin Pathak — *Chairman*

MEMBERS

Lok Sabha

2. Shri Surender Singh Barwala
3. Smt. Sandhya Bauri
4. Shri Ajmeera Chandulal
5. Shri Manibhai Ramjibhai Chaudhuri
6. Shri Jayasinhji Manshingji Chauhan
7. Shri Thawarchand Gehlot
8. Smt. Kamal Rani
9. Shri Ayanur Manjunath
10. Shri Bheru Lal Meena
11. Shri Ajoy Mukhopadhyay
12. Shri Ashok Kumar Pradhan
13. Dr. Ram Lakhan Singh
14. Shri A. Siddaraju
15. Shri Virendra Kumar
16. Shri Sita Ram Yadav
17. Shri Chinta Mohan

Rajya Sabha

18. Shri Sanatan Bisi
19. Shri Vijay J. Darda
20. Shri Hiphei
21. Shri Bangaru Laxman
22. Shri Jibon Roy
23. Shri Janardan Yadav
24. Shri Abdul Gaiyur Qureshi

SECRETARIAT

1. Shri Joginder Singh	—	*Joint Secretary*
2. Shri J.P. Sharma	—	*Deputy Secretary*
3. Shri R.S. Misra	—	*Under Secretary*

2. At the outset, Hon'ble Chairman welcomed the Members to the sitting of the Committee. The Committee first took up the draft Tenth Report on Demands for Grants relating to Ministry of Labour for the year 1999-2000 and adopted the Report with the following modifications.

Sl. No.	Page No.	Para No.	lines		Amendment
1	2	3	4		5
1.	4	1.12	16		after "schemes"
				insert	"at regular intervals"
2.	5	1.13	13-16	***delete***	the words "so that existing labour laws could be rationalised in the organised sector and a minimum level of protection is guaranteed to workers in the organised sector".

1	2	3	4		5
3.	7	1.15	18-20	***Delete***	the words "being engaged in Central Public Sector Undertakings falling under Central as well as State Governments".
4.	26	2.51	22	***after insert***	"certificates", "and delay in timely"
3.	***		***		***

4. The Committee authorised the Chairman to finalise the Reports in the light of above amendments and present the same to Parliament on their behalf.

The Committee then adjourned.

ANNEXURE-II

STATEMENT OF RECOMMENDATIONS/CONCLUSIONS

Sl. No.	Para No.	Conclusions/Recommendations
1	2	3
1.	1.12	The Committee note with concern that the expenditure of the Ministry of Labour under various Plan Schemes has been less particularly upto October, 1998 due to which the Ministry of Finance was constrained to lower down the allocation at Revised Estimates stage. The reasons put forth by the Ministry that the bills for reimbursement of amount from State Governments were not received in time and as such Revised Estimates, was fixed by the Ministry of Finance after reviewing the expenditure upto the month of October, are not satisfactory. The Committee, therefore, strongly recommend that the expenditure of the Ministry should be streamlined right from the beginning of the Financial Year so that the funds allocated in Budget Estimates are not lowered down at Revised Estimates stage by the Ministry of Finance. For this, vigorous consultations with the State Governments should be made at the highest level and a strong monitoring over the Schemes at

1	2	3
		regular intervals should be done by the Ministry so that the bills for reimbursement from State Governments are received by them in time.
2.	1.13	The Committee note with concern that the idea of setting up of Second National Commission on Labour had been mooted last year but so far the Ministry has neither been able to establish the Commission nor any funds have been earmarked for this purpose in the B.E. for the year 1999-2000. The Ministry's reply in this regard that the matter for sanctioning of expenditure for a duration of 24 months as well as opening of a new head of account for meeting expenditure of the Commission has been taken up with the Ministry of Finance, Department of Expenditure is not satisfactory. In the opinion of the Committee the Ministry has not shown their promptness on the issue. The Committee, therefore, strongly urge the Ministry to accord priority for early setting up of the Second National Commission on Labour. Also efforts should be made by the Ministry for getting early clearance of their proposal from the Ministry of Finance.
3.	1.14	The Committee note that though Working Group on Industrial Relations while formulating the 8th

1	2	3
		Five Year Plan had recommended for setting up of 6 more CGIT-cum-Labour Courts, yet the Ministry has been able to set up only one court at Jaipur so far. The Ministry has now informed the Committee that the sanction for setting up of two new CGITs at Lucknow and Nagpur was issued on 15.9.98 but the selection of Presiding Officers is under process and also a proposal to open 3 new CGITs at Hyderabad, Chennai and Bhubaneswar has been sent to the Ministry of Finance. The Committee view this situation very seriously keeping in view the piling up of pending cases year after year in various courts. In their opinion, the matter should have been taken at the highest level and efforts should have been made for setting up of 5 CGITs much earlier. The Committee, therefore, urge the Ministry to complete the process for selection of Presiding Officers for the two new CGITs at Lucknow and Nagpur for which sanction was issued on 15.9.98 and to take immediate steps for setting up of the remaining three new CGITs at Hyderabad, Chennai and Bhubaneswar without any further delay. As regards making terms and conditions of appointments of Presiding Officers in Labour Courts more attractive, the Ministry should take up the issue with the Ministry of Finance for early clearance.

1	2	3
4.	1.15	The Committee note that though the Contract Workers (Regulation and Abolition) Act disapproves employment of contract workers in permanent and perennial nature of jobs, yet the employers generally disregard the Act as it casts a heavy financial burden on them particularly in the context of competitive environment. It has also led to a plethora of cases in various courts by the workers seeking directions for abolition of contract labour. The Ministry of Labour during evidence has admitted that there are a large number of cases where the contract labourers are not being dealt with properly. The Committee view this situation very seriously. In their view, the matter should have been discussed at Tripartite level in the interest of contract workers. The Committee, therefore, strongly recommend that the issue relating to welfare of contract labourers should be discussed at the forthcoming Indian Labour Conference for finding an amicable solution to the grievances of the contract labourers. Also the Ministry should devise ways and means for having an authentic data of contract labourers. For this the job may be entrusted to Labour Bureau, Shimla without further loss of time. The Committee are of the view that the working of Central Industrial Relations Machinery should be further strengthened so that the Contract Labour(Regulation and Abolition) Act is enforced effectively. Steps taken and progress

1	2	3
		achieved may be communicated to the Committee within six months' time.
5.	2.15	The Committee note that the Ministry has still not been able to complete two of the selected components namely Hi-Tech and Management Information System under World Bank Assisted Vocational Training Project during the extended period of the project *i.e.* upto 31 December, 1998. The Ministry has stated that the supply of equipment under the Hi-Tech scheme is underway while training programmes in ITIs/ATIs have not commenced so far. Under Management Information System, civil and electrical works in most of the States as well as under Central Sector have not been completed. In the opinion of the Committee, the whole Project has been badly delayed since its inception thereby causing undue financial strain on the Government. The Committee, therefore, urge the Ministry to make all out efforts so that the two selected components under World Bank Project are completed in all respects within the financial year 1999-2000 and the schemes should not be allowed to spill over to the next financial year. The Committee also desire that the Ministry of Finance should be vigorously pursued for creation of the re-assessed posts under the Hi-Tech scheme. Progress achieved in this regard should be communicated to the Committee after every three months.

1	2	3
6.	2.16	The Committee note with concern that major orders for procuring equipments worth crores of rupees are still pending with various suppliers and for some of the packages undue delay in finalising the orders has taken place. The Committee fail to understand as to how the scheme could be fully operationalised in the absence of equipments required for the project. In the opinion of the Committee, the Ministry's monitoring in this regard has not been upto the mark. The Committee, therefore, strongly recommend that vigorous efforts should be made to ensure that equipments already requisitioned are supplied without further loss of time. Also immediate steps should be taken to finalise and place orders in regard to rest of the packages required for the project so that scheme is made fully functional without delay.
7.	2.17	The Committee note with dismay that though the Apprentices Act, 1961 provides for engaging apprentices in industries/ establishments yet many employers contravene the provisions of the Act. In the opinion of the Committee, the Ministry has not shown any seriousness in enforcing the Act and thus allowing the employers to escape. The Committee, therefore, urge the Ministry to use both the methods of persuasion and legal action so that optimum seats located for trade apprentices are realised.

1	2	3
8.	2.18	The Committee are deeply concerned at the present level of utilisation of seats located for trade apprentices in establishments both in the Central and State Sectors. In the State sphere, the percentage utilisation of seats come to 68.52% which is far too less than the number of seats located for trade apprentices in various establishments. The Committee, therefore, urge the Ministry to take necessary follow up action with both the Central and State establishments so that the gap between the seats utilised and seats located is bridged. The Committee are also of the opinion that the Ministry should undertake a re-survey of establishments where utilisation of seats are minimal.
9.	2.34	The Committee note with concern that though the main job of the Protector General of Emigrants is to see the welfare of emigrant workers, yet the Ministry of Labour has not been able to create a legal cell in the Indian Missions specifically to look after the problems of such workers. The Committee have been informed that a proposal for posting of officers of the Ministry of Labour who have sufficient knowledge of the labour laws in general and the Emigration Act in particular, as labour Attache has been sent to Ministry of External Affairs and is pending for their consideration. In the opinion of the Committee the officials posted in Indian Missions are burdened with other jobs and also

1	2	3
		not familiar with labour problems and as such it is difficult for them specifically to look into the problems of emigrant workers. The Committee, therefore, strongly recommend that the Ministry should take up the issue with the Ministry of External Affairs for early clearance of proposal for posting of officers of Ministry of Labour as labour Attache in Indian Missions for the benefit of emigrant workers. Steps taken in this regard should be communicated to the Committee within three months' time.
10.	2.35	The Committee are concerned to note that though the proposal for setting up of a Central Manpower Export Promotion Council which could undertake the task of promotion of employment of Indian personnel/services abroad undertaking the publicity and promotional work for Indian manpower abroad and liaisoning with International agencies and foreign employers was sent to Ministry of External Affairs in the year 1996, yet their comments on the issue have not so far been received by the Ministry of Labour. The Committee are not happy with the situation. In their view, there is an urgent need to set up the proposed Council which can look after the welfare of emigrant workers in a broader perspective. The Committee, therefore, strongly recommend that the matter should be taken up with Ministry of External Affairs at the highest level so that their comments are received

1	2	3
		at the earliest and Central Manpower Export Promotion Council is set up without further loss of time.
11.	2.51	The Committee note that the Cabinet Committee on Economic Affairs has approved the proposal of the Ministry of Labour for continuance of the scheme of National Child Labour Projects during the Ninth Plan period, in January, 1999 and also approved increase in the number of projects from 76 to 100. The Committee further note that the Ministry of Labour has advised the State Governments to make a fresh assessment of their proposed projects sent by them way back in the year 1995-96. In the opinion of the Committee, these proposals numbering around 30 received from State Governments have been delayed for more than four years and hence should be considered for sanction on priority. The Committee, therefore, urge the Ministry to take up the matter with the concerned State Governments for assessing the proposed projects at the earliest so that sanction for running of these projects are issued without further loss of time. In order to ensure effective monitoring of Child Labour Projects, the Committee recommend that there should be a separate institutional monitoring mechanism in the Ministry which should periodically monitor the activities of the project societies and implementing agencies down to the grass-root level so that

1	2	3
		problems regarding late receipt of audited accounts, utilisation certificates,and delay in timely release of funds etc. are eliminated. Steps taken and progress achieved in this regard should be communicated to the Committee after six months.
12.	2.52	The Committee note that through the efforts of the Ministry of Labour, the Ministry of Rural Areas and Employment has issued a circular in April, 1997 giving overriding priority for assistance under IRDP to an adult member of a family in place of a child withdrawn from work if the family is a Below Poverty Line (BPL) and residing in rural areas. However, the Ministry of Labour has no information on the number of such adult members given employment so far. In the opinion of the Committee, the Ministry has not shown any seriousness in this regard. The Committee, therefore, urge the Ministry to take up the issue with the Ministry of Rural Areas and Employment and ensure that the provisions laid down by them *vide* their circular No. R-20015/6/95-IRD IV dated 29 April, 1997 are implemented effectively so that children withdrawn from work are not allowed to relapse into child labour.
13.	2.64	The Committee are constrained to note that though the Government has identified 43,99,644 beedi workers in different parts of the country, more than 8 lakh identity

1	2	3
		cards are yet to be issued by them. The Committee fail to understand as to how the remaining Beedi workers would be able to get the various welfare benefits. In their opinion, the Ministry lacks coordination with the State Governments and their monitoring for the scheme has not been upto the mark. The Committee, therefore, strongly recommend that the Government should evolve ways and means in consultation with State Governments for issuance of identity cards to the beedi workers including `Ghar Khata' workers without further loss of time so that they are no longer deprived of the benefit of welfare schemes being run by the Government in this regard.
14.	2.65	The Committee are concerned to note that more than 2 lakh beedi workers have not been covered under the Employees Provident Fund and Miscellaneous Provisions Act, 1952. The Ministry has itself admitted during evidence that there are certain gaps in certain States in coverage of beedi workers under EPF&MP Act. The Committee, therefore, strongly recommend that vigorous efforts should be made to cover all the identified beedi workers under EPF&MP Act without further delay. Also effective monitoring should be done by the Ministry in this regard.
15.	2.66	The Committee further note that out of 51 dispensaries, only 29 dispensaries for beedi workers

1	2	3
		could be opened and the rest could not be opened due to non-availability of doctors and para medical staff in various States. The Committee have also been informed that out of 317 sanctioned posts, only 191 doctors have been appointed and that too 35 doctors are on *ad hoc* basis. For the last several years 121 posts are lying vacant. Viewing this situation with great concern, the Committee strongly recommend that all the posts of doctors and para medical staff should immediately be filled so that the beedi workers do not suffer due to non-availability of doctors and para medical staff. Also immediate steps should be taken by the Ministry to create their own cadre for recruitment of doctors so that dispensaries/hospitals run smoothly. Steps taken in this regard should be communicated to the Committee within six months' time.
16.	2.76	The Committee note that although DGFASLI organisation is entrusted with an important task of improving safety, health, productivity, working conditions in factories and ports, yet a large number of posts are lying vacant in the organisation. Further the Budget Estimates for the year 1999-2000 has significantly been reduced from the Revised Estimates for the year 1998-99. The Committee are not happy with the situation. In their view activities and programmes of the Organisation should further be increased keeping in view the fast

1	2	3
		changing technologies in the industrial sector. The Committee, therefore, urge the Ministry to strengthen the organisation by allocating more funds and by increasing their staff strength to enable them to carry out more number of studies/surveys pertaining to working conditions, health status of worker and other matters related to industrial safety. The Committee also desire that the Ministry of Labour should impress the Ministry of Finance that 10% of its existing posts of the organisation are not surrendered. Steps taken and progress achieved in this regard should be communicated to the Committee within six months' time.
17.	2.77	The Committee are constrained to note that though full payment and the interest for late payment for possession of the land for establishment of Regional Labour Institute at Faridabad have been made by the Ministry to the State Government of Haryana on 31.3.98 and 31.12.98 respectively, however, the possession of land has not so far been handed over to the Ministry. The Committee view this situation very seriously. In their view, the Ministry's monitoring in this regard has not been good. The Committee, therefore, strongly recommend that the Ministry should take up the issue at the highest level for early possession of the land so that the Institute is established without further delay.

1	2	3
20.	2.78	The Committee note with concern that though the DGFASLI organisation has framed model rules consequent to the amendment to the Factories Act in 1987 to ensure that major accidents are averted and also loss of lives/property is minimised, some of the State Governments have not notified the model rules so far. In the opinion of the Committee the monitoring of the Ministry in this regard has not been satisfactory. The Committee, therefore, strongly recommend that the Ministry of Labour should pursue the matter with the State Governments and ensure that the model rules for the improvement of health and safety for workers are notified by all the States without further delay.
19.	2.87	The Committee are constrained to note that the minimum wages in certain scheduled employments in some of the State Governments are either quite low or have not even been revised for a long time. The Committee, therefore, recommend that the Ministry should take up the issue with the State Governments and ensure that the wages for any scheduled employments are kept at least at the level of floor level minimum wage fixed by the Central Government. Also vigorous efforts should be made to pursue the State Governments to link the minimum wages to Consumer Price Index and revise the variable components after every

1	2	3
		six months or when the CPI increases by 50 points whichever is earlier. Steps taken and progress achieved in this regard should be communicated to the Committee within three months' time.
20.	2.88	The Committee have been informed that the Government is thinking to amend Section 3(1)(b) of the Minimum Wages Act, 1948 so as to reduce the period of revision of minimum wages from the existing five years to two years. The Committee therefore urge the Government to bring forth the proposed legislation at the earliest.
21.	2.89	The Committee note with concern that the Minimum Wages Act is not being implemented in letter and spirit by some of the State Governments due to inadequate enforcement machinery. The Ministry of Labour during evidence has admitted that they are considering to bring out certain amendments in the Minimum Wages Act to improve enforcement of the Act. The Committee, therefore, urge the Government to amend the Act at the earliest for its effective implementation by the State Governments. Also, the Ministry should pursue with Planning Commission for clearance of their proposal for sanction of Central Assistance to States for strengthening the enforcement machinery.